



Attorney Docket: 00035.09CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Joshua D. Rabinowitz, et al.)
Serial No.: 10/768,293) Examiner: M. Haghighatian
Filing Date: January 29, 2004) Group Art Unit: 1616
For: DELIVERY OF ANTIHISTAMINES)
THROUGH AN INHALATION ROUTE)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application. The Examiner is requested to make these documents of record.

09/27/2005 HLE333 00000041 10768293

03 FC:1806

180.00 OP

TIME OF TRANSMITTAL

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180.00 in accordance with 37 CFR

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on _____.

Signature: _____

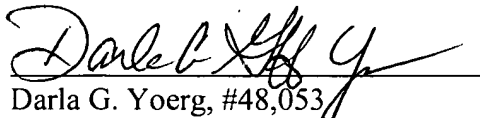
Name: TASHA L. PIERCE

§§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

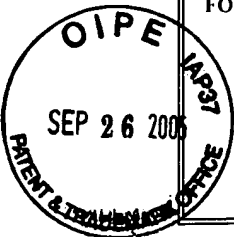
Respectfully submitted,

Date: September 23, 2005



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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE List of Information Cited by Applicant Page 1 of 3	ATTY. DOCKET NO. 00035.09CON	SERIAL NO. 10/768,293
	APPLICANT Rabinowitz, et al.	
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U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB-CLS	FILE DATE
	AA	10/057,198	10/26/2001	Lloyd et al.			
	AB	10/146,088	05/13/2002	Hale et al.			
	AC	10/280,315	10/25/2002	Shen			
	AD	10/302,614	11/21/2002	Lu			
	AE	10/322,227	12/17/2002	Novack et al.			
	AF	10/442,385	05/20/2003	Cross et al.			
	AG	10/719,540	11/20/2003	Hale et al.			
	AH	10/750,303	12/30/2003	Rabinowitz et al.			
	AI	10/850,895	05/20/2004	Damani et al.			
	AJ	10/851,018	05/20/2004	Hale et al.			
	AK	10/851,429	05/20/2004	Hale et al.			
	AL	10/851,432	05/20/2004	Hale et al.			
	AM	10/851,883	05/20/2004	Hale et al.			
	AN	10/861,554	06/03/2004	Cross et al.			
	AO	10/912,417	08/04/2004	Bennett et al.			
	AP	10/917,720	08/12/2004	Hale et al.			
	AQ	10/917,735	08/12/2004	Hale et al.			

FOREIGN PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB-CLS	TRANS ?
	AR	GB 502 761	03/24/1939	Great Britain			
	AS	WO 94/09842	05/11/1994	WIPO			
	AT	WO 96/31198	10/10/1996	WIPO			
	AU	WO 97/36574	10/09/1997	WIPO			
	AV	WO 03/37412	05/08/2003	WIPO			

		OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)
	AW	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01, "Method And Device For Delivering A Physiologically Active Compound"
	AX	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AY	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AZ	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AAA	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"
EXAMINER		DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and <u>not</u> considered. Include copy of this form with next communication to applicant.		

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE List of Information Cited by Applicant Page 2 of 3	ATTY. DOCKET NO. 00035.09CON	SERIAL NO. 10/768,293
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U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	BA	3,219,533	11/23/1965	Mullins			
	BB	3,949,743	04/13/1976	Shanbrom			
	BC	3,982,095	09/21/1976	Robinson			
	BD	4,141,369	02/27/1979	Burruss			
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	BK	4,708,151	11/24/1987	Shelar			
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	BM	4,735,217	04/05/1988	Gerth et al.			
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	BGG	5,592,934	01/14/1997	Thwaites			
	BHH	5,605,146	02/25/1997	Sarela			

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EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	CA	5,649,554	07/22/1997	Sprinkel et al.			
	CB	5,666,977	09/16/1997	Higgins et al.			
	CC	5,743,251	04/28/1998	Howell et al.			
	CD	5,819,756	10/13/1998	Mielordt			
	CE	5,840,246	11/24/1998	Hammons et al.			
	CF	5,855,913	01/05/1999	Hanes et al.			
	CG	5,874,481	02/23/1999	Weers et al.			
	CH	5,894,841	04/20/1999	Voges			
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	CK	6,131,570	10/17/2000	Schuster et al.			
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	CM	6,155,268	12/05/2000	Takeuchi			
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	CO	6,234,167	05/22/2001	Cox et al.			
	CP	6,632,047	10/14/2003	Vinegar et al.			
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	CS	2002/0117175	08/29/2002	Kottayil et al.			
	CT	2002/0061281	05/23/2002	Osbakken et al.			
	CU	2004/0016427	01/29/2004	Byron et al.			
	CV						
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